

ORDINANCE NO. 2010 - 031

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS FOR **SEUSS INSTITUTIONAL (LGA 2010-014)** PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 60 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 4.96 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 750 FEET EAST OF SEMINOLE PRATT WHITNEY ROAD, FROM RURAL RESIDENTIAL 5 UNITS PER ACRE (RR-5) TO INSTITUTIONAL AND PUBLIC FACILITIES (INST); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 12, February 26, March 12, and April 9, 2010 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 21, 2010 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments

Report," dated July 2, 2010 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained objections and comments regarding the amendment contained in this ordinance; and

WHEREAS, on August 30, 2010 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

A. Future Land Use Atlas page 60 is amended as follows:

Application: Seuss Institutional (LGA 2010-014)

Amendment: From Rural Residential 5 units per acre (RR-5) to Institutional and Public Facilities (INST);

Location: Southwest corner of Hypoluxo and Lyons Roads;

Size: Approx. 4.96 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 30th day of August, 2010.

ATTEST:

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By

Deputy Clerk

By

Burt Aaronson, Chair

Shelly Vana

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

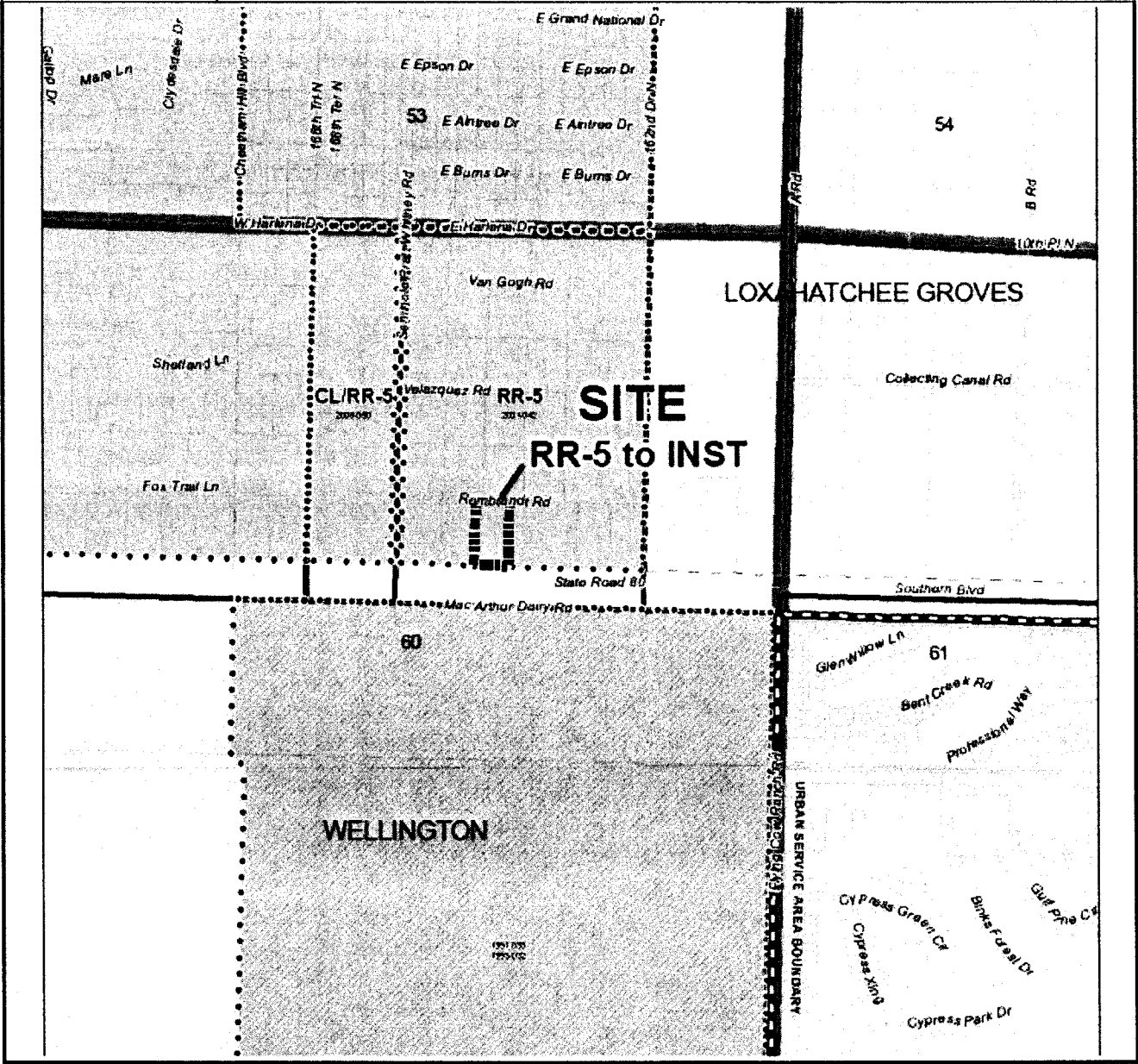
Filed with the Department of State on the 3rd day of September, 2010.

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EXHIBIT 1

Future Land Use Atlas page 60 is amended as follows:

Amendment No:	Seuss Institutional (LGA 2010-014)
Amendment:	From Rural Residential 5 units per acre (RR-5) to Institutional and Public Facilities (INST)
Location:	North side of Southern Boulevard, approximately 750 feet east of Seminole Pratt Whitney Road
Size:	4.96 acres (approximately)
Property No:	00-40-43-36-00-000-2030
Conditions:	None



Legal Description

Parcel of land situate, lying and being in the County of Palm Beach, Florida, to wit:

Tract 3, according to the Plat of ENTRADA ACRES, an unrecorded subdivision of a portion of Section 36, Township 43 South, Range 40 East, Palm Beach County, Florida, as said lot is shown in said subdivision recorded in Official Record Book 2831, Page 239 and 240, Public Records of Palm Beach County, Florida

LESS AND EXCEPT

That part of Tract 3 and 4 of ENTRADA ACRES, an unrecorded plat in Section 36, Township 43 South, Range 40 East, in Palm Beach County, Florida, said part more particularly described as follows:

Commence at the Southeast corner of said Section 36, thence North 01° 16' 04" East along the East line of said Section 36 a distance of 1743.97 feet to a point on the Baseline of Survey for State Road 80; thence North 88° 29' 42" West along said Baseline of Survey a distance of 3052.35 feet; thence North 01° 30' 18" East a distance of 95 feet to the POINT OF BEGINNING; thence North 00° 01' 00" West a distance of 82.29 feet to a point on a curve concave Northerly having a tangent bearing of South 87° 47' 44" East through said point; thence Easterly along said curve having a radius of 57,181.78 feet, through an angle of 00° 40' 37", an arc distance of 675.62 feet; thence South 00° 01' 00" East a distance of 78.03 feet; thence North 88° 29' 42" West a distance of 675.49 feet to the POINT OF BEGINNING.

Containing: 216,160 square feet equaling 4.96 acres, more or less.